



GALVESTON COUNTY, TEXAS

COMMISSIONERS COURT 722 Moody, County Courthouse, Galveston, TX 77550 (409) 766-2244

Mark Henry Ryan Dennard Kevin O'Brien Stephen Holmes Ken Clark
County Judge Commissioner, Precinct 1 Commissioner, Precinct 2 Commissioner, Precinct 3 Commissioner, Precinct 4

AGENDA

December 23, 2014 – 10:00 AM

CONSENT AGENDA: ALL ITEMS MARKED WITH A SINGLE ASTERISK (*) ARE PART OF THE CONSENT AGENDA AND REQUIRE NO DELIBERATION BY THE COMMISSIONERS COURT. ANY COMMISSIONERS COURT MEMBER MAY REMOVE AN ITEM FROM THIS AGENDA TO BE CONSIDERED SEPARATELY.

In accordance with the provisions of the Americans with Disabilities Act (ADA), persons in need of a special accommodation to participate in this proceeding shall, within three (3) days prior to any proceeding contact the County Judge's office at 722 Moody, Galveston, Texas 77550 (409) 766-2244.

REGULARLY SCHEDULED MEETING

Call to Order

Invocation and Pledge of Allegiance

Consent Agenda

- *1. Submitted by the Auditor's Office:
 - a. Approval of Accounts Payable Checks dated 12/16/14 and 12/23/14
 - b. Order for Payroll period ending 12/17/14 Bi-Weekly #26
 - c. Order for Supplemental Payroll period ending 12/17/14 Bi-Weekly #26
 - d. Internal Audit Report of Property Tax Refunds for period 10/1/13 - 9/30/14 with response letter from Honorable Cheryl E. Johnson dated 12/2/14
 - e. Recommendation for additional funding for change fund in the Parks Administration Office
- *2. Receive and file *Summary of Bi-Weekly Personnel Movements* pay period #25, November 20 – December 3, 2014 submitted by Human Resources.
- *3. Receive and file *Notice pursuant to H.B. 3059, Section 366.005 of Texas-New Mexico Power Company providing utility service to Galveston County* submitted by the County Judge.

- *4. Receive and file *Bay Area Houston Economic Partnership quarterly activities report* submitted by Director of Contract Services.
- *5. Consideration of a *resolution honoring the service of Galveston County Commissioner Kevin O'Brien* submitted by the County Judge.
- *6. Consideration of a *resolution honoring the retirement of Barney E. Jones from the Galveston County Sheriff's Office* submitted by County Legal.
- *7. Consideration of *approval of 2015 Professional Services Agreement with Perpetua Technologies, LLC* and authorize County Judge to sign Contract submitted by Grants Manager.
- *8. Consideration of *approval of appointment of Sharon Free to the Galveston County Emergency Services District No.1, term beginning 01/01/15 and ending 12/31/15,* submitted by Commissioner, Precinct 3.
- *9. Consideration of *approval of reappointment of Sid Bouse and Kate Veeder Newberry to Galveston County Emergency Services District No. 2 for a term beginning January 1, 2015 and ending January 1, 2017* submitted by Commissioner, Precinct 4 and Commissioner, Precinct 2.
- *10. Consideration of *appointment of Ken Clark as Delegate and Ryan Dennard as Alternate to the H-GAC Transportation Policy Council* submitted by Commissioner, Precinct 4.
- *11. Consideration of *appointment of Ken Clark as Delegate and Ryan Dennard as Alternate to the HGAC Board of Directors* submitted by Commissioner, Precinct 4.
- *12. Consideration of *appointment of Galveston County Engineer, Mike Fitzgerald, to the HGAC Technical Advisory Committee,* submitted Commissioner, Precinct 4.
- *13. Consideration of *reappointing Commissioner, Precinct 1, as Sheriff Office Liaison for a term beginning January 1, 2015 and ending December 31, 2015.*
- *14. Consideration of *approval of reappointing Commissioner, Precinct 4 as appointed representative for the Galveston County Mayors & Councilmen's Association* submitted by the County Judge.
- *15. Consideration of *approval of a contract with Infax, Inc. for Electronic Docket Display System* submitted by the County Clerk.
- *16. Consideration of a *Texas City Seawall permit to Enterprise Crude Pipeline LLC to install a 24" crude oil pipeline across the Texas City Hurricane Levee adjacent to the Enterprise tank farm near SH3/SH146* submitted by the County Engineer.

- *17. Consideration of a *Texas City Hurricane Levee permit to Praxair, Inc. to install a 14" and a 24" pipeline across the Texas City Hurricane Levee adjacent to the La Marque Pump Station* submitted by the County Engineer.
- *18. Consideration of a *Highland Bayou Diversion Channel permit to Praxair, Inc. to install a 14" and a 24" pipeline under the Highland Bayou Diversion Channel* submitted by the County Engineer.
- *19. Consideration of *approval of a bond submitted by Stephens Productions Company for oversize/overweight loads associated with a drill site off of Pearson Road* submitted by the County Engineer.
- *20. Consideration of *approval for World Wide Power Products to provide generator services for Galveston County* submitted by Facilities.
- *21. Consideration of *request for Tax refunds in Excess of \$2,500.00* submitted by the Tax Assessor/Collector:
- a. **R144271** \$28,777.21 Duplicate Payment
- *22. Consideration of *request for Tax Refunds in Excess of \$2,500.00* submitted by the Tax Assessor/Collector:
- a. **R103061** \$3,245.91 Duplicate Payment
- *23. Request for *Waiver or Refund of Penalty and Interest Due to Clerical Errors* submitted by the Tax Assessor/Collector:
- a.
- | | | | |
|----------------|-------------|------|----------|
| R110217 | Clint Brown | 1998 | \$138.05 |
| R110217 | Clint Brown | 1999 | \$35.33 |
| R110217 | Clint Brown | 2000 | \$136.37 |
| R110217 | Clint Brown | 2001 | \$129.42 |
| R110217 | Clint Brown | 2002 | \$129.49 |
| R110217 | Clint Brown | 2003 | \$116.01 |
| R110217 | Clint Brown | 2004 | \$112.39 |
| R110217 | Clint Brown | 2005 | \$108.99 |
| R110217 | Clint Brown | 2006 | \$227.35 |
| R110217 | Clint Brown | 2007 | \$178.40 |
| R110217 | Clint Brown | 2008 | \$86.14 |
| R110217 | Clint Brown | 2009 | \$147.78 |
| R110217 | Clint Brown | 2010 | \$126.88 |
| R110217 | Clint Brown | 2011 | \$105.21 |
| R110217 | Clint Brown | 2012 | \$83.40 |
| R110217 | Clint Brown | 2013 | \$62.39 |

- *24. Request for *Waiver or Refund of Penalty and Interest Due to Clerical Errors as Recommended by Penalty & Interest Review Committee* submitted by the Tax Assessor/Collector:

a. **R149553** Grice, Charles 2013 \$11.79

- *25. Request for *Waiver or Refund of Penalty and Interest Due to Clerical Errors as Recommended by Penalty & Interest Review Committee* submitted by the Tax Assessor/Collector:

a. **R229075** Roth, Rita 2013 \$127.41
 R121253 Roth, Rita 2013 \$80.41
 R213413 Roth, Rita 2013 \$141.20
 R103413 Roth, Rita 2013 \$307.91
 R113659 Roth, Rita 2013 \$122.03

- *26. Request for *Ratification of Denial of Request for Waiver or Refund of Penalty and Interest as Recommended by Penalty & Interest Review Committee* submitted by the Tax Assessor/Collector:

a. **R110588** Kinard, Lee 2013 \$2,430.06
 R110588 Kinard, Lee 2012 \$3,759.93
 R110588 Kinard, Lee 2011 \$753.15
 R110588 Kinard, Lee 2010 \$2,869.23
 R110588 Kinard, Lee 2009 \$565.98
 R110588 Kinard, Lee 2008 \$1,494.05
 R117671 Kinard, Lee 2013 \$0.11
 R117671 Kinard, Lee 2012 \$1,035.56
 R117671 Kinard, Lee 2010 \$816.42
 R117671 Kinard, Lee 2009 \$602.32

- *27. Request for *Ratification of Denial of Request for Waiver or Refund of Penalty and Interest as Recommended by Penalty & Interest Review Committee* submitted by the Tax Assessor/Collector:

a. **R133654** Sanders, Roger W Est 2013 \$12.91
 R144401 Chan, Benny & Sandra 2013 \$187.71
 R512813 Collins, Michael & Nancy 2013 \$60.04
 R178325 Colgan, Ellen 2013 \$2136.85
 R421191 Hallman, Patricia 2013 \$578.15
 R113790 Litton, Charles 2013 \$23.56
 R212620 Murphy, Andrew 2013 \$279.25
 R212620 Murphy, Andrew 2013 \$290.82
 R212620 Murphy, Andrew 2013 \$289.48

*28. Request for *Ratification or Denial of Request for Waiver or Refund of Penalty and Interest as Recommended by Penalty & Interest Review Committee* submitted by the Tax Assessor/Collector:

a.	R183432	Grice, Charles	2012	\$196.44
	R183432	Grice, Charles	2011	\$195.70
	R149553	Grice, Charles	2013	\$275.68
	R149553	Grice, Charles	2012	\$228.64
	R149553	Grice, Charles	2011	\$66.37

*29. Consideration of approval for *badge software purchase with Stanley Convergent Security Solutions for various buildings throughout Galveston County* submitted by Information Technology.

*30. Consideration of approval for *Printech software maintenance renewal with Printech* submitted by Information Technology.

*31. Consideration of approval for *the change order to the Galveston County financial and administrative automation statement of work with Databank, IMX LLC* submitted by Information Technology.

*32. Consideration of approval for *Kaseya antivirus license renewal with Kaseya* submitted by Information Technology.

*33. Consideration of approval for *file repository software purchase for Galveston County with Xerox* submitted by Information Technology,

*34. Consideration of approval for *internet transmitter and cellular back up service purchase for the Eddie Barr Annex with Alert Alarms Burglar & Fire Protection, Inc.* submitted by Information Technology.

*35. Consideration to *accept the donation of Self-Contained Breathing Apparatus (SCBA) Air Tanks from the City of Galveston Fire Department* submitted by the Purchasing Agent.

*36. Receive and file *the following item* submitted by the Purchasing Agent:

a. Local Government Purchasing Cooperative BuyBoard Rebate Check

*37. Consideration of authorization to *donate - 1996 Ford - School Style Bus to The Texas Lighthouse Foundation, Inc.* submitted by the Purchasing Agent.

*38. Consideration to *authorize and extension on the following bids* submitted by the Purchasing Agent:

- a. Bid #B122003 Trash Barrel Pick Up on Bolivar Peninsula
- b. Bid #B122005 Hitchcock Boat Ramp Concession

- *39. Consideration of *Galveston County road project work list for Road and Bridge Dept.* submitted by Commissioner, Precinct 1.
- *40. Consideration of *approval of appointments to the Galveston County Mosquito Control District Board.*
- *41. Consideration of *approval of appointments to the Juvenile Justice Advisory Board.*
- *42. Consideration of a *Resolution honoring the retirement of Susan Criss District Judge* submitted by County Legal.
- *43. Consideration of a *Resolution honoring the retirement of Janis L. Yarbrough District Judge* submitted by County Legal.
- *44. Consideration of a *Resolution honoring the retirement of Michael W. Nelson Justice of the Peace* submitted by County Legal.
- *45. Consideration of a *Resolution honoring the retirement of Sonny James Justice of the Peace* submitted by County Legal.
- *46. Consideration of a *Resolution honoring the retirement of Patricia Vondra Justice of the Peace* submitted by County Legal.
- *47. Consideration of a *Resolution honoring the retirement of James Woltz Justice of the Peace* submitted by County Legal.
- *48. Consideration of a *Resolution honoring the service of Bret Griffin District Judge* submitted by County Legal.
- *49. Consideration of a *Resolution honoring the service of Kerri Foley County Court Judge* submitted by Legal.
- *50. Consideration of a *Resolution honoring the service of Toni C. Randall Justice of the Peace* submitted by County Legal.
- *51. Consideration of a *Resolution honoring the service of Darrell A. Apffel Justice of the Peace* submitted by County Legal.
- *52. Consideration of *execution of a lease for Congressman Randy Weber at the Calder Road Annex building* submitted by County Legal.
- *53. Consideration of *execution of a lease for State Representative Greg Bonnen at the*

Calder Road Annex building submitted by County Legal.

- *54. Consideration of *appointment of Lee Ann Grossberg, M.D., as a Deputy Medical Examiner in the Galveston County Medical Examiner's Office* submitted by County Legal.
- *55. Consideration of *execution of a Financial Advisory Contract with Louis Pauls & Company for one year (Calendar Year 2015)* submitted by Professional Services.
- *56. Consideration of a *change order between Galveston County and CenterPoint to extend contract term and to require Crescent Electric to indemnify CenterPoint Energy for claims under the Service Agreement* submitted by Professional Services.
- *57. Consideration of *approval of a renewal contract with Department of Family and Protective Services to fund department staff in helping children of Texas* submitted by Director of Contract Services.

Action Agenda

58. Commissioner, Precinct 2

- a. Consideration of authorizing County Legal to send to the City of Galveston notice of termination of the October 1, 2005 Agreement Between the County of Galveston and the City of Galveston to House City Inmates in the Galveston County Jail to be effective June 30, 2015.
- b. Consideration of authorizing County Legal to give notice of cancellation of the month-to-month Legal Advertising agreement with the Galveston County Daily News for publication of a static-front-page website link and print publication of the Sheriff sale notices.

59. Commissioner, Precinct 4

- a. Consideration of authorizing County Judge to execute an addendum to an Interlocal Agreement with the City of League City to partially fund improvements to certain City streets in order to generate increased ad valorem tax revenues.

60. County Legal

- a. Consideration of authorizing the County Judge to execute a Caremark Prescription Benefit Services Agreement – Participating Group Agreement by and between CaremarkPCS Health, L.L.C., Boon-Chapman and Galveston County.
- b. Consideration of an MOU with the County of Galveston, City of Galveston, and

Jamail Galveston Foundation for reconstruction, redevelopment, and transfer of maintenance and control from the County of Galveston to the City of Galveston concerning the Park now known as the Lee and Joe Jamil Bay Park submitted by County Legal.

- c. **Break into Executive Session.**
- d. **Executive Session:** Texas Government Code Section 551.071, Consultation with Attorney: the Commissioners Court will enter into an executive session as permitted under the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, pursuant to Section 551.071 of the Government Code: to seek the advice of its attorney about pending or contemplated litigation or on a matter in which the duty of the attorney to the County under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act relating to 454-15-0308.E, Galveston County v. TWIA, in the State Office of Administrative Hearings.
- e. **Executive Session:** Texas Government Code Section 551.071, Consultation with Attorney: rendering legal advice about pending or contemplated litigation or on a matter in which the duty of the attorney to the County under the Texas Disciplinary Rules of Professional Conduct conflicts with the Open Meetings Act relating to DJ # 204-74-343, The United States of America and Galveston County, Texas under the Americans with Disabilities Act.
- f. **Executive Session:** Consultation with Attorney: the Commissioners Court will enter into an executive session as permitted under the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, pursuant to Section 551.071 of the Government Code: to seek the advice of its attorney about pending or contemplated litigation or on a matter in which the duty of the attorney to the County under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act relating to potential or pending litigation involving Raymond Benoist.
- g. **Executive Session:** Texas Government Code Section 551.071, Consultation with Attorney: the Commissioners Court will enter into an executive session as permitted under the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, pursuant to Section 551.071 of the Government Code: to seek the advice of its attorney about pending or contemplated litigation or on a matter in which the duty of the attorney to the County under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act relating to EEOC 460-2015-00789.
- h. **Executive Session:** Texas Government Code Section 551.071, Consultation with Attorney: the Commissioners Court will enter into an executive session as permitted under the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, pursuant to Section 551.071 of the Government Code: to

seek the advice of its attorney about pending or contemplated litigation or on a matter in which the duty of the attorney to the County under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act relating to 14-CV-1289, Bonnie Quiroga v. Galveston County, in the 212th Judicial District Court.

- i. **Executive Session:** Consultation with Attorney: the Commissioners Court will enter into an executive session as permitted under the Texas Open Meetings Act, Chapter 551 of the Texas Government Code, pursuant to Section 551.071 of the Government Code: to seek the advice of its attorney about pending or contemplated litigation or on a matter in which the duty of the attorney to the County under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with the Open Meetings Act relating to Civil Action No. 01-14-00820-CV; In re Galveston County Judge Mark Henry et al, in Their Official Capacities, in the First Court of Appeals, Houston.
- j. **Reconvene into Regularly Scheduled Session.**
- k. Consideration of authorizing the County Legal Department to respond to claim made by Raymond Benoist.
- l. Consideration of authorizing the County Legal Department to respond to request for mediation.

61. **Human Resources**

- a. Consideration of approving Boon-Chapman Dialysis Care Carve-out Program.

62. **Professional Services**

- a. Consideration of authorizing the County Judge to execute a contract between the County and CenterPoint for construction of underground electrical service at the Galveston County Law Enforcement Building.
- b. Consideration of entering into a Contract for administering training and managing the Five Point Contract Requirements between the County of Galveston and the Galveston County Firefighters Association, Inc.
- c. Consideration of approval of Fleet Department's policies and goals submitted by Fleet Director.
- d. Consideration of approval of contract with Galveston Economic Development Partnership for consulting services submitted by Director of Contract Services.
- e. Consideration of approval of the following Budget Amendments:

1. 15-025-1223-A
Emergency Management - Request transferring funds for the Firefighters Association.
2. 15-026-1223-B
Mosquito Control - Request transfer of funds from Capital Outlay to Maintenance & Repairs - Building.
3. 15-027-1223-C
Professional Services - Request transfer of funds from Industrial Comm account to Economic Development account.
4. 15-028-1223-D
Professional Services - Request additional funding for indigent health care to increase the FPL %.
5. 15-029-1223-E
Professional Services - Request additional funding for BayTech.
6. **15-030-1223-F**
Professional Services - Request an interfund transfer from General Fund to Flood Control for FY 2015.
7. 15-031-1223-G
Fleet Management - Request transferring funds for Overtime in Fleet Management.

63. **Purchasing**

- a. Consideration of awarding a contract for the following RFPs:
 1. RFP #B142014A Vending Machine Services for Galveston County
 2. RFP #B151009 Galveston County Stop Loss for 2015

Adjourn

WORKSHOP AGENDA

1. Discuss options for ADA Compliance for Department of Justice.
2. Discussion regarding staffing at Justice of the Peace Precinct 2 submitted by Commissioner, Precinct 3.

Appearances before Commissioners Court

A speaker whose subject matter as submitted relates to an identifiable item of business on this agenda will be requested by the County Judge or other presiding court members to come to the podium where they will be limited to three minutes (3). A speaker whose subject matter as submitted does not relate to an identifiable item of business on this agenda will be limited to three minutes (3) and will be allowed to speak before the meeting is adjourned. Please arrive prior to the meeting and sign in with the County Clerk.

Executive Sessions

The Galveston County Commissioners Court may recess into closed meeting (Executive Session) on any item listed on this agenda if the Executive Session is authorized under the Open Meetings Act pursuant to one or more the following exceptions: Tex. Gov't Code §§ 551.071 (consultation with attorney), 551.072 (deliberation regarding real property), 551.073 (deliberation regarding a prospective gift or donation), 551.074 (personnel matters), 551.0745 (personnel matters affecting County advisory body), 551.076 (deliberation regarding security devices or security audits), and/or 551.087 (deliberations regarding economic development negotiations). The Presiding Officer of the Commissioners Court shall announce the basis for the Executive Session prior to recessing into Executive Session. However, the Commissioners Court may only enter into the Executive Session on any agenda item for which a separate Executive Session has not been separately posted if, prior to conducting the Executive Session, a majority of the Commissioners Court votes to go into Executive Session. This motion requirement does not apply to any agenda item that has been previously noticed to constitute or include an Executive Session.
